

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	CRIMINAL NO. 3:14-23
v.	)	
	)	JUDGE KIM R. GIBSON
JOSEPH D. MAURIZIO, JR.,	)	
	)	
Defendant.	)	

TENTATIVE FINDINGS AND RULINGS

AND NOW, this 29nd day of February, 2016, the United States Probation Office having submitted a Presentence Investigation Report (PSR), and both the United States and Defendant having filed their position papers with respect to sentencing factors as required by Local Criminal Rule 32.C.4, the Court makes the following tentative findings and rulings:

1. On September 22, 2015, Defendant was convicted by a jury of Counts One, Two, Three, Four, and Eight of the Superseding Indictment at Criminal Number 3:14-23. Counts One, Three, and Four of the Superseding Indictment charged Defendant with engaging in illicit sexual conduct in foreign places, in violation of 18 U.S.C. § 2423(c). Count Two of the Superseding Indictment charged Defendant with possession of material depicting the sexual exploitation of a minor, in violation of 18 U.S.C. § 2252(a)(4)(B). Count Eight of the Superseding Indictment charged Defendant with transporting, transmitting, or transferring funds or monetary instruments into or out of the United States with the intent to promote the carrying on of unlawful activity, in violation of 18 U.S.C. § 1956(a)(2)(A). (ECF No. 163.)

2. On December 1, 2015, the Court granted Defendant's motion for judgment of acquittal as to Count Four of the Superseding Indictment. (ECF No. 203.)
3. The United States Probation Office filed a draft PSR in this matter on December 14, 2015. (ECF No. 205.)
4. On December 28, 2015, the United States Probation Office filed the final PSR in this matter. (ECF No. 206.)
5. On December 30, 2015, Defendant filed his Position with Respect to Sentencing Factors, stating that he objects to the two-level enhancement contained in the PSR as to Count Two and indicating his intent to seek a downward departure and variance. (ECF No. 208.)
6. On January 5, 2016, the Government filed its Position with Respect to Sentencing Factors, stating that it has no objections or corrections to the PSR. (ECF No. 209.)
7. On January 8, 2016, the United States Probation Office filed an addendum to the PSR, clarifying the two-level enhancement contained in the PSR as to Count Two. (ECF No. 210.)
8. On January 26, 2016, Defendant filed letters in his support regarding his sentencing. (ECF No. 221.)
9. On January 26, 2016, the Government filed its sentencing memorandum. (ECF No. 223.)

10. The Court tentatively adopts the PSR and the addendum in their entirety, and will consider any arguments as to departures or variances and applicable enhancements at the time of sentencing.

BY THE COURT:

A handwritten signature in black ink, reading "K. R. Gibson". The signature is written in a cursive, flowing style. The first name "K." is followed by a period, and the last name "Gibson" is written in a more stylized, connected script.

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KIM R. GIBSON  
UNITED STATES DISTRICT JUDGE